

EXHIBIT 1

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

WILDEARTH GUARDIANS and MONTANA
ENVIRONMENTAL INFORMATION CENTER,

Plaintiffs,

V.

DEBRA HAALAND, Secretary of the Interior, *et al.*

Federal Defendants,

and

SPRING CREEK COAL, LLC, *et al.*

Intervenor Defendants.

CV 17-80-SPW-TJC

DECLARATION OF MARCELO CALLE

I, Marcelo Calle, in accordance with the requirements of 28 U.S.C. § 1746,
declare:

1. I am currently employed by the United States Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE) as the Program Support Division Manager for the Western Region, Interior Regions 5, 7, 8, 9, 10 & 11. I have been employed with OSMRE in this capacity since November 27, 2016.
2. In my capacity as the Program Support Division Manager, I oversee OSMRE's National Environmental Policy Act (NEPA) process conducted pursuant to the Court's February 3, 2021 Order entered in this litigation.
3. After the Court's February 3 Order, OSMRE immediately began preparing an environmental assessment (EA). By June 2021, with the aid of a contractor, OSMRE had completed an internal draft of the EA, which OSMRE began reviewing in preparation of posting for public comment.
4. In the course of that internal review, on July 22, 2021, OSMRE determined that it would be appropriate to stop work on the EA and to instead prepare an environmental impact statement (EIS) to analyze the impacts of the mining plan modification.
5. Once OSMRE completes the EIS, the Assistant Secretary for Land and Minerals Management will review the final EIS, the Record of Decision (ROD),

and other relevant materials and make a decision whether to approve, disapprove, or approve with conditions the mining plan modification.

6. After considering all relevant information, OSMRE anticipates the following schedule for completing the EIS and ROD, and submitting those and other relevant documents to the Assistant Secretary to review and issue a decision on the mining plan modification:

On or about October 12, 2021	Notice of Intent to prepare EIS published in <i>Federal Register</i> ; public scoping begins
On or about June 10, 2022	Notice of Availability for Draft EIS published in <i>Federal Register</i>
On or about December 30, 2022	Notice of Availability for Final EIS published in <i>Federal Register</i>
On or about January 31, 2023	Record of Decision signed
On or before March 31, 2023	Assistant Secretary issues decision on the mining plan modification

7. Vacatur of the mining plan modification approval would be expected to stop not only production at the mine but would also likely impact reclamation because a mining plan modification approved under 30 U.S.C. § 207(c) covers both mining and reclamation operations. Without a continuation of the deferred vacatur this stoppage would be expected to exist until March 31, 2023 while OSMRE conducts the analysis for the EIS and the Assistant Secretary reaches a decision on the mining plan modification.

I swear under penalty of perjury that the foregoing is true and correct.

This 5th day of August, 2021.

MARCELO
CALLE

Digitally signed by
MARCELO CALLE
Date: 2021.08.05 14:34:06
-06'00'

Marcelo Calle
Program Support Division Manager